

# Congress of the United States

Washington, DC 20515

June 22, 2025

Robert F. Kennedy, Jr.  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Ave, SW  
Washington, DC 20201

Dear Secretary Kennedy:

We are alarmed by recent reporting that the Centers for Medicare & Medicaid Services (CMS) within the Department of Health and Human Services (HHS) shared the personal information of millions of immigrants, and potentially their citizen family members, with the Department of Homeland Security (DHS) for immigration enforcement purposes.<sup>1</sup> We write to urge CMS to immediately cease any data sharing with DHS and to direct DHS to destroy any individually identifiable health information transmitted by CMS to DHS. We are particularly concerned that these latest actions will have a chilling effect and jeopardize access to services for those who rely on Medicaid and other public programs for lifesaving care, including the 5.5 million U.S. citizen children in mixed status families.<sup>2</sup>

Reporting from the Associated Press (AP) details new efforts by the Trump administration to access and share the private, personally identifiable information of individuals residing in the U.S. According to the AP, top advisors at HHS ordered the release of Medicaid enrollees' personally identifiable information, including names, addresses, and immigration status, to DHS despite nonpartisan CMS expert officials' reported concerns that the sharing of such data would raise considerable ethical concerns and could violate federal law, including the Social Security Act<sup>3</sup> and the Privacy Act of 1974. Data sharing efforts such as these have dubious legal authority, violate decades of precedent, and run counter to the confidentiality statements on many state Medicaid applications.<sup>4</sup> They also contradict CMS' own documents, which instruct health care assisters to "let consumers know that information they provide will

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<sup>1</sup> Kimberly Kindy and Amanda Seitz, "Trump administration gives personal data of immigrant Medicaid enrollees to deportation officials.," Associated Press, (updated June 14, 2025), <https://apnews.com/article/medicaid-deportation-immigrants-trump-4e0f979e4290a4d10a067da0acca8e22>.

<sup>2</sup> Matthew Lisiecki and Gerard Apruzzese, "Proposed 2024 Mass Deportation Program Would Socially and Economically Devastate American Families," Center for Migration Studies, (October 10, 2024), <https://cmsny.org/publications/2024-mass-deportation-program-devastate-american-families-101024>.

<sup>3</sup> For example, Sec. 1902(a)(7) of the Social Security Act requires state Medicaid agencies to provide "safeguards which restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with... the administration of the plan" and certain other narrow uses.

<sup>4</sup> For example, *see* New York's application, which has the following confidentiality statement: "All of the information you provide on this application will remain confidential. The only people who will see this information are the Assistors and the State or local agencies and health plans who need to know this information in order to determine if you (the applicant) and your family members are eligible. The person helping you with this application cannot discuss the information with anyone, except a supervisor or the State or local agencies or health plans which need this information," [https://www.health.ny.gov/forms/doh-4220\\_dd\\_access.pdf](https://www.health.ny.gov/forms/doh-4220_dd_access.pdf); California's application, which has the following privacy statement, "The personal and medical information you provide on it is private and confidential... We will share your information with other state, federal, and local agencies, contractors, health plans, and programs only to enroll you in a plan or program or to administer programs, and with other state and federal agencies as required by law," [https://www.dhcs.ca.gov/services/medi-cal/eligibility/Documents/2014\\_CoveredCA\\_Applications/ENG-CASingleStreamApp.pdf](https://www.dhcs.ca.gov/services/medi-cal/eligibility/Documents/2014_CoveredCA_Applications/ENG-CASingleStreamApp.pdf).

not be used by government agencies to enforce immigration laws or policies.”<sup>5</sup> Further, 92 percent of Americans view data privacy as a right<sup>6</sup>—these actions risk irreparably eroding Americans’ trust in federal and state agencies as good-faith stewards of their personal data.

Last month, CMS announced audits that it claimed were meant to increase “federal oversight” of state Medicaid agencies to ensure federal funds were not being used to provide health coverage to “individuals who are in the country illegally” and thus ineligible for comprehensive Medicaid benefits.<sup>7</sup> It appears that CMS has inappropriately and potentially unlawfully used that audit to obtain personally identifiable information and shared that data with DHS for purposes entirely unrelated to ensuring states are appropriately claiming federal funds.

As you are aware, federal law requires hospitals with emergency departments to provide a medical screening exam and stabilizing treatment to people with emergency medical conditions, regardless of their immigration status or ability to pay.<sup>8</sup> If the person seeking care is ineligible for Medicaid due to immigration status only, the hospital can seek reimbursement from Medicaid for the emergency services only.<sup>9</sup>

Federal funds are not available for non-emergency services for people who are undocumented.<sup>10</sup> As such, no state is permitted to utilize federal funds to provide full scope Medicaid benefits to undocumented individuals. Instead, some states<sup>11</sup> have opted to provide state-funded health benefits to individuals who do not qualify for any other form of health coverage, recognizing that access to reliable health care improves health outcomes, reduces overall costs, and strengthens access to care for all beneficiaries by reducing provider uncompensated care.<sup>12</sup> As reported by the AP, the Trump administration has targeted the immigrant residents of these states by sharing their personally identifiable information with DHS in violation of CMS’ own policy, and potentially, federal law.

Given the significant impact this data sharing could have on the health of millions of Americans and the violations of privacy it raises, we request written responses to the following questions no later than Monday, July 21, 2025:

<sup>5</sup> Center for Medicare & Medicaid Services, “Health Coverage Options for Immigrants,” (July 2020) <https://www.cms.gov/marketplace/technical-assistance-resources/health-coverage-options-immigrants.pdf>.

<sup>6</sup> “Patient perspectives around data privacy,” American Medical Association, (July 25, 2022), <https://www.ama-assn.org/system/files/ama-patient-data-privacy-survey-results.pdf>.

<sup>7</sup> CMS Increasing Oversight on States Illegally Using Federal Medicaid Funding for Health Care for Illegal Immigrants,” Centers for Medicare & Medicaid Services, *press release* (May 27, 2025), <https://www.cms.gov/newsroom/press-releases/cms-increasing-oversight-states-illegally-using-federal-medicaid-funding-health-care-illegal>.

<sup>8</sup> 42 U.S. Code § 1395dd.

<sup>9</sup> 42 U.S.C. § 1396b(v).

<sup>10</sup> 8 U.S. Code § 1611.

<sup>11</sup> Fourteen states plus D.C. provide comprehensive state-funded coverage for children regardless of immigration status. These states include California, Colorado, Connecticut, Illinois, Maine, Massachusetts, Minnesota, New Jersey, New York, Oregon, Rhode Island, Utah, Vermont, and Washington. In addition, seven states (California, Colorado, Illinois, Minnesota, New York, Oregon, Washington) plus D.C. have also expanded fully state-funded coverage to some income-eligible adults regardless of immigration status.

<sup>12</sup> Akash Pillai, Drishti Pillai, and Samantha Artiga, “State Health Coverage for Immigrants and Implications for Health Coverage and Care,” KFF, (May 1, 2024). <https://www.kff.org/racial-equity-and-health-policy/issue-brief/state-health-coverage-for-immigrants-and-implications-for-health-coverage-and-care/>; “Improving Access to Affordable and Equitable Health Coverage: A Review from 2010 to 2024,” Assistant Secretary for Planning and Evaluation, (June 7, 2024), <https://aspe.hhs.gov/sites/default/files/documents/9376755db2480ad7288aaa5ec38f3d8c/improving-access-to-coverage.pdf>.

1. Please detail any and all communication with state Medicaid officials regarding the Trump administration's efforts to obtain this data, including the exact information requested from state Medicaid agencies subject to the audit described in "SUBJECT: Ending Taxpayer Subsidization of Open Borders."<sup>13</sup> In addition:
  - a. Please include the parameters outlining for which Medicaid applicants or enrollees CMS requested information (i.e., did CMS obtain data specifically on individuals for whom emergency Medicaid payments were made to hospitals, individuals who received state-funded health benefits, individuals who are lawfully present and eligible for Medicaid and/or Children's Health Insurance Program benefits);
  - b. Please specify if such requested information included personally identifiable information such as name and address and, if so, what such information; and
  - c. As of the date of your response, please specify which states have provided such information as well as which states have received inquiries.
2. Please provide copies of any data sharing agreements between CMS and any state for which CMS has provided data to DHS.
3. What, if any, data was requested from HHS by DHS and for what purpose?
  - a. On what date did DHS request such data?
4. What, if any, data was shared by HHS with DHS and in what format?
5. What legal authority, if any, is CMS citing for the release of this personally identifiable information to DHS?
6. Please share the below correspondence:
  - a. Any and all communication from HHS and CMS to DHS regarding the transfer of this data.
  - b. Any and all communication within HHS about sharing this data, including the memo prepared by CMS staff detailing their objections to the sharing of personal information of non-citizen enrollees.
7. Did HHS and DHS enter into a data sharing agreement or any other memorandum of understanding pertaining to the use of Medicaid data or resources for the purposes of immigration enforcement? If so, please provide a copy of that agreement. If not, please explain why the agencies did not enter into a data sharing agreement or other memorandum and describe what, if any, policies and practices are in place regarding the storage, retrievability, access controls, retention, and disposal of the data, as required by the Privacy Act of 1974.

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<sup>13</sup> Centers for Medicare & Medicaid Services, letter to state Medicaid Directors on May 27, 2025, <https://www.cms.gov/files/document/open-borders-co-notification-states.pdf>.

Sincerely,



Alexandria Ocasio-Cortez  
Member of Congress



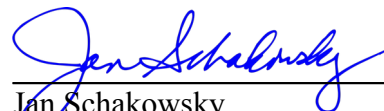
Diana DeGette  
Member of Congress



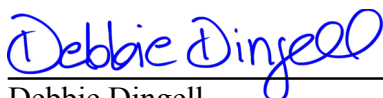
Jesús G. "Chuy" García  
Member of Congress



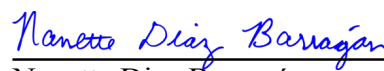
Lori Trahan  
Member of Congress



Jan Schakowsky  
Member of Congress



Debbie Dingell  
Member of Congress



Nanette Diaz Barragán  
Member of Congress



Robin L. Kelly  
Member of Congress



Doris Matsui  
Member of Congress



Adriano Espaillat  
Chair  
Congressional Hispanic Caucus



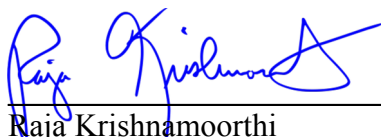
Eleanor Holmes Norton  
Member of Congress



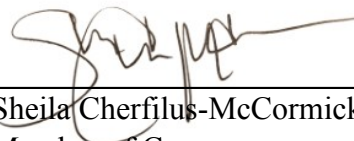
Delia C. Ramirez  
Member of Congress



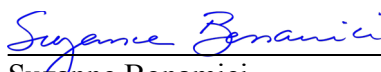
Nydia M. Velázquez  
Member of Congress



Raja Krishnamoorthi  
Member of Congress



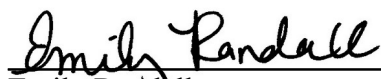
Sheila Cherfilus-McCormick  
Member of Congress



Suzanne Bonamici  
Member of Congress



Rashida Tlaib  
Member of Congress



Emily Randall  
Member of Congress



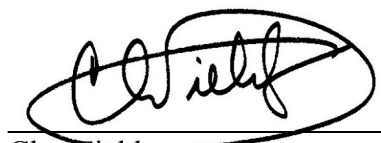
Seth Moulton  
Member of Congress



Ritchie Torres  
Member of Congress



Gregory W. Meeks  
Member of Congress



Cleo Fields  
Member of Congress



Maxine Dexter  
Member of Congress  
Ranking Member,  
Subcommittee on Oversight and  
Investigations



Robert Garcia  
Member of Congress

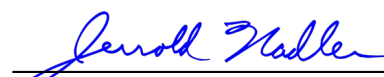


Emanuel Cleaver, II  
Member of Congress



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Jim Tokuda  
Member of Congress



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Jerrold Nadler  
Member of Congress



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James P. McGovern  
Member of Congress



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Joaquin Castro  
Member of Congress



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Norma J. Torres  
Member of Congress



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Danny K. Davis  
Member of Congress

Cc: Mehmet Oz, Administrator, Centers for Medicare & Medicaid Services, U.S. Department of Health and Human Services